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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,104	08/17/2001	Thomas James Dubil	US018124	5490

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 06/18/2003

J

Please find below and/or attached an Office communication concerning this application or proceeding.

DM



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/932,104	DUBIL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jimmy H. Nguyen	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 August 2001.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This Office Action is made in response to applicant's papers filed on 08/17/2001. Claims 1-11 are currently pending in the application. An action follows below:

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 10/22/2002 and entered as paper No. 6 is considered by the examiner.

### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities: line 2, "XML" should be spelled out. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubischta et al. (US-PGPUB: 2002/0042915 A1), hereinafter Kubischta.

Regarding to claims 1, 5, 7 and 9, the claimed invention reads on Kubischta as follows:

Kubischta discloses a system for displaying television program (electronic program guide (EPG), paragraph 0019), comprising an Internet connected host, such as a set top box (a STB 102, fig. 1), connected to a remote server (a web server of Internet 108, figs. 1 and 6, paragraph 0071, lines 4-6 ), for receiving, via the Internet (paragraph 0070, lines 6-10), a web site (602) including

television program, and a remote control device (a remote control 204, fig. 2) comprising a receiver (226) for wireless receiving the television program (EPG, paragraph 0019) from the Internet connected host (102), processing circuitry (a processor 408, fig. 4) and a display (a remote display device 220, fig. 2). Accordingly, the Kubischta reference anticipates these claims.

Regarding to claims 2-4 and 8 as applied to claims 1 and 7 above, Kubischta expressly teaches the device further comprising an input interface for interacting with the information displayed by the display such as a directional cursor control mechanism (display buttons 232, fig. 2, paragraph 0041) and a selection button (control buttons 234, fig. 2, paragraph 0042), or a touch screen (paragraph 0045).

Regarding to claim 6, Kubischta expressly teaches the signal including XML-formatted data (paragraph 0073, last second line).

Regarding to claims 10 and 11, the claimed invention reads on Kubischta as follows: Kubischta discloses a system for transmitting information related to at least one television program, comprising a remote central station (an Internet 108, fig. 6) including Internet connection means for connecting the Internet and for transmitting a signal (EPG 604 of a web site 602) related to at least one television program via the Internet (paragraph 0071), and a remote control device (a remote control 204, fig. 2) comprising a receiver (226) for wireless receiving the signal including information related to at least one television program (EPG 604 of a web site 602), processing circuitry (a processor 408, fig. 4) and a display (a remote display device 220, fig. 2). Accordingly, the Kubischta reference anticipates these claims.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allport (USPN: 6,097,441, figs. 1 and 2), Darbee et al. (USPN: 6,130,726, see figs 1 and 5A, col. 4, lines 20-33), Gudorf (USPN: 6,313,887 B1, figs. 1 and 2) and Huang (USPN: 6,437,836 B1, fig. 1A), all disclose related system comprising a remote control including a display for displaying information received from a network such as an Internet.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-03770377.

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Art Unit: 2673

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JHN  
June 15, 2003



Jimmy H. Nguyen  
Examiner  
Art Unit: 2673